

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
DELMARVA POWER & LIGHT COMPANY FOR AN)
INCREASE IN ELECTRIC BASE RATES AND)
MISCELLANEOUS TARIFF CHANGES) PSC Docket No. 17-0977
(FILED August 17, 2017))

RESPONSE OF
THE DELAWARE ENERGY USERS' GROUP
TO THE MOTIONS OF THE COMMISSION STAFF
AND THE DIVISION OF THE PUBLIC ADVOCATE
TO DISMISS AND TO STAY DISCOVERY

The Delaware Energy Users' Group ("DEUG"), an Intervenor in this docket, by counsel and pursuant to the Rules of Practice and Procedure of the Delaware Public Service Commission ("Commission") and the rulings of the Hearing Examiner made on October 24 and October 30, 2017, submits this response to the Motion to Dismiss and to the Motion to Stay Discovery and Further Proceedings, both having been filed jointly by the Commission Staff and the Division of the Public Advocate.

1. DEUG is a non-incorporated association whose members are large industrial customers of Delmarva Power & Light Company ("Delmarva" or "Company"). The members of DEUG participating in this intervention include Burris Logistics, Christiana Care Health Services, Delaware City Refining Company, LLC, Delaware Park Racetrack & Slots, E. I. du Pont de Nemours & Co., Kuehne Chemical Company, and Linde Energy Services, Inc.
2. Delmarva initiated this proceeding on August 17, 2017 by filing an application requesting an increase in its electric base rate revenues of \$24,425,436.
3. The testimony and exhibits submitted with Delmarva's application provided the results of its class cost-of-service study, as well as its proposed class revenue allocation and rate

design, which served to advise DEUG's members what the proposed impacts on their bills would be if the application were to be approved as filed.

4. On October 18, 2017, Delmarva submitted the "Supplemental Testimony of Witnesses Ziminsky and McEvoy with Update to Actuals." By this supplemental testimony, Delmarva raised its requested rate increase by almost \$7 million, from \$24.4 million to \$31.2 million, and from a 4.5% increase to a 5.8 % increase of total revenues.

5. Although it requests a large increase in its revenue requirement, in effect a new rate request, Delmarva's supplemental testimony does not address the impact of that request on class cost-of-service, revenue allocation or rate design.

6. On October 24, 2017, the Commission Staff and the Division of the Public Advocate filed a Joint Motion to Dismiss Delmarva's application. DEUG supports the Joint Motion to Dismiss for the reasons stated therein.

7. DEUG also supports the Joint Motion to Dismiss for the additional reason that the supplemental testimony fails to inform its members what the proposed impacts on their bills would be if accepted. DEUG's members are therefore disadvantaged not only by the late increase in Delmarva's rate request, but by the lack of information needed even to assess the impact of the increase on their bills. Delmarva supplemental testimony not only changes course in mid-stream, but it leaves the other parties, like DEUG, up the creek without a paddle.

8. On October 27, 2017, the Commission Staff and the Division of the Public Advocate filed a Joint Motion to Stay Discovery and Further Proceedings pending the Commission's resolution of their Joint Motion to Dismiss. DEUG also supports the Joint Motion to Stay Discovery and Further Proceedings for the reasons stated therein.

WHEREFORE, DEUG respectfully requests that the Motion to Dismiss filed jointly by the Commission Staff and the Division of the Public Advocate be granted, and that – to the extent the Motion to Dismiss is not granted in full and immediately effective – requests that the Motion to Stay Discovery and Further Proceedings be granted as well..

Respectfully submitted,

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Dated: November 1, 2017

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was delivered, by first-class United States mail and e-mail, to the following on this 1st day of November, 2017.

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